

RECEIVED  
CENTRAL FAX CENTER

AUG 11 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: )  
 )  
Scott G. Tromanhauser et al. ) Before the Examiner  
 ) Roy Dean Gibson  
Serial No. 10/748,120 )  
 ) Group Art Unit 3739  
Filed December 30, 2004 )  
 ) Atty Docket No. 4002-3465  
VERTEBRAE FASTENER PLACEMENT )  
GUIDE ) August 11, 2005

TERMINAL DISCLAIMER

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

08/12/2005 MBINAS 00000017 10748120

01 FC:1814

130.00 OP

The undersigned hereby represents that the owner, SDGI Holdings, Inc., has a 100% ownership interest in the above-captioned application and U.S. Patent No. 6,669,698, as indicated by the assignments recorded in the U.S. Patent and Trademark Office on October 24, 2000 at Reel 011269, Frame 0375 and Reel 011269, Frame 0379. The undersigned attorney of record, on behalf of SDGI Holdings, Inc., hereby disclaims the terminal part of any patent granted on the above-captioned application that would extend beyond the expiration date of U.S. Patent No. 6,669,698, and hereby agrees that any patent granted on the above-identified patent application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,669,698. This disclaimer shall run with any patent granted on the above-captioned application and to be binding upon the grantees, their successors or assigns.

I hereby certify that this correspondence is  
being facsimile transmitted to the United States  
Patent and Trademark Office at 571-273-8300  
on:

August 11, 2005

(Date of Transmission)

Douglas A. Collier  
Name of Registered RepresentativeDouglas A. Collier  
SignatureAugust 11, 2005

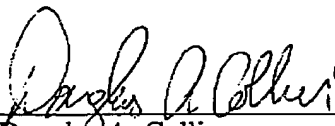
Date of Signature

Tromanhauser, USSN 10/748,120  
TERMINAL DISCLAIMER  
4002-3465/PC447.06  
Page 1 of 2

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of the above-identified patent, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that the granted patent; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Applicants enclose the statutory fee pursuant to 37 C.F.R. §1.20(d) of \$130.00. In addition, please provide any extensions of time that may be necessary and charge any fees that may be due to Deposit Account No. 12-2424, but do not include any payment of issue fees that are or may become due.

Respectfully submitted:

By:   
Douglas A. Collier  
Reg. No. 43,556  
Krieg DeVault LLP  
2800 One Indiana Square  
Indianapolis, Indiana 46204-2079  
Phone: (317) 636-4341